



Town of Frederick
Board of Trustees Agenda
Frederick Town Hall
401 Locust Street
Tuesday, May 26, 2015

6:30 P.M.
Work Session
General Discussion

7:00 P.M.
Regular Meeting

Call to Order – Roll Call:

Pledge of Allegiance:

Approval of Agenda:

Special Presentations:

Consideration of Litigation Counsel for Dacono Litigation

Carbon Valley Chamber of Commerce Community Funding Request – June Werner

Public Comment: This portion of the Agenda is provided to allow members of the audience to provide comments to the Town Board. Please sign in and the Mayor will call you. If your comments or concerns require an action, that item(s) will need to be placed on a later Agenda. Please limit the time of your comments to three (3) minutes.

Staff Reports:

- A. Administrative Report – Matt LeCerf, Town Manager
- B. Town Clerk's Report – Meghan Martinez, Town Clerk
- C. Town Attorney's Report – Rick Samson, Town Attorney

Consent Agenda: Consent Agenda items are considered to be routine and will be enacted by one motion and vote. There will be no separate discussion of Consent Agenda Items unless a Board member so requests, in which case the item may be removed from the Consent Agenda and considered at the end of the Consent Agenda

- D. Approval of May 12, 2015 Minutes – Meghan Martinez, Town Clerk

Built on What Matters.

- E. Acknowledgement of Receipt of List of Bills – Mitzi McCoy, Finance Director
- F. Resolution 15R33 Stating the Town’s Opposition Legislation Titled HB 15-1348 Unreasonable Barriers to Urban Redevelopment and Requesting Governor Hickenlooper Veto said HB 15-1348 – Matt LeCerf, Town Manager

Action Agenda:

- G. Resolution 15R31 Authorizing the Mayor to Execute an Agreement with No Name Creek Investors, LLC – Matt LeCerf, Town Manager
- H. Resolution 15R32 Authorizing a Supplemental Appropriation and Amending the 2015 Calendar Year Budget – Jennifer Simmons, Planning Director
- I. Resolution 15R34 Authorizing the Mayor to Execute an Intergovernmental Agreement with Miners Village Metropolitan District #1 – Matt LeCerf, Town Manager

Mayor and Trustee Reports:

Executive Session: To discuss the purchase, acquisition, lease, transfer, or sale of real, personal, or other property interest under C.R.S. 24-6-402(4)(a).

Work Session: General Discussion



401 LOCUST STREET • P.O. BOX 435 • FREDERICK, CO 80530-0435

PHONE: (720) 382-5500 • FAX: (720) 382-5520

WWW.FREDERICKCO.GOV

APPLICATION FOR COMMUNITY PROGRAM FUNDING

DATE 4/29/15

DATE RECEIVED _____

ORGANIZATION NAME: Carbon Valley Chamber of Commerce

CONTACT PERSON: June Werner

ORGANIZATION ADDRESS: 8308 Colorado Blvd, Suite 203 Firestone, CO 80504

HOW IS YOUR ORGANIZATION STRUCTURED? (Example: non-profit corporation)

501(c) 6 non-profit

LIST OFFICERS IN THE ORGANIZATION:

PRESIDENT/CHAIRPERSON: June Werner

SECRETARY: Dennis Timmreck

BOARD OF DIRECTORS: Franki Bertram, Angie Sanders, Peter Marshall,

Ross Blackmer, Jay Stype, and Bill Meier

PROJECT OR ACTIVITY INFORMATION

Describe the event or program for which you are seeking funding. (Attached additional information if necessary)

~~2nd Annual Colorado Craft Beer Roundup in Downtown Frederick is a craft beer tasting event planned to bring approximately 500 people to the area~~

Date of Event/Activity ~~Saturday, June 6, 2015~~

Duration: ~~3-7:00 pm~~

Date when funds will be needed. ~~Saturday, June 6, 2015~~

Estimate of the number of people who will benefit from this event/activity.

~~500 guests, the downtown businesses for the exposure, and the Chamber business community~~

How will this event/activity enhance the Town of Frederick's positive image?

~~This event, held at Crist Park, will showcase Downtown Frederick.~~

Describe any other ways in which this event/activity will contribute to the good of the general public.

~~This event is also a great opportunity for the Frederick community to enjoy a fun event~~

~~in one of their most beautiful parks.~~

EVENT/ACTIVITY BUDGET INFORMATION

List the estimated budget for this event/activity:

Source of Funding

Amount

Town of Frederick

\$ 1210.00 (amount of this request)

~~see attached spreadsheet~~

\$_____

\$_____

\$_____

Total Funding

\$ _____

Estimated Costs

Amount

3 police officers

\$ 750

~~parks & rec for set up, etc~~

\$ 460

\$_____

\$_____

Total Costs

\$_____

If applicable, please describe how your organization plans to utilize any surplus funds resulting for this event/activity.

The additional funds raised from this event will go to benefit the Carbon Valley Chamber

~~of Commerce to help them to provide education, support and growth for the businesses~~

~~in the Carbon Valley area. The Chamber also supports other non-profits in the community like the Help Center, the Yellow Ribbon Campaign, etc as well as offers scholarships to CV residents.~~

Name and Signature of Organization's Project Chairperson:

June Werner
NAME (PLEASE PRINT OR TYPE)

720-363-6824
TELEPHONE

President, Carbon Valley Chamber of Commerce Board of Directors

June Werner
SIGNATURE

4/29/15
DATE

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: MAY 21 2004

CARBON VALLEY CHAMBER OF COMMERCE
PO BOX 800 246 1/2 5TH ST
FREDERICK, CO 80530

Employer Identification Number:
90-0123317
DLN:
17053050016004
Contact Person:
DAVID V SCIAN ID# 31369
Contact Telephone Number:
(877) 829-5500
Internal Revenue Code
Section 501(c)(6)
Accounting Period Ending:
December 31
Form 990 Required:
Yes
Addendum Applies:
No

Dear Applicant:

Based on information supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from Federal income tax under section 501(a) of the Internal Revenue Code as an organization described in the section indicated above.

Unless specifically excepted, you are liable for taxes under the Federal Insurance Contributions Act (social security taxes) for each employee to whom you pay \$100 or more during a calendar year. And, unless excepted, you are also liable for tax under the Federal Unemployment Tax Act for each employee to whom you pay \$50 or more during a calendar quarter if, during the current or preceding calendar year, you had one or more employees at any time in each of 20 calendar weeks or you paid wages of \$1,500 or more in any calendar quarter. If you have any questions about excise, employment, or other Federal taxes, please address them to this office.

If your sources of support, or your purposes, character, or method of operation change, please let us know so we can consider the effect of the change on your exempt status. In the case of an amendment to your organizational document or bylaws, please send us a copy of the amended document or bylaws. Also, you should inform us of all changes in your name or address.

In the heading of this letter we have indicated whether you must file Form 990, Return of Organization Exempt From Income Tax. If Yes is indicated, you are required to file Form 990 only if your gross receipts each year are normally more than \$25,000. However, if you receive a Form 990 package in the mail, please file the return even if you do not exceed the gross receipts test. If you are not required to file, simply attach the label provided, check the box in the heading to indicate that your annual gross receipts are normally \$25,000 or less, and sign the return.

If a return is required, it must be filed by the 15th day of the fifth

Letter 948 (DO/CG)

Budget				
Colorado Craft Beer Roundup				
Ticket Sales & other income	Budget 2015	Actual 2015	Notes	
500 (budgeted at 500 for 2015)	\$13,325.00		250 tickets @ 22.5 + 150 tickets @30 + 80 tickets @40	
T-shirts	\$2,250.00		Additional t-shirts sold beyond VIP/ 150 @15	
Total Income	\$15,575.00			
Marketing and Advertising			Notes	
Committee Meetings	\$0.00		Georgia Boys, Pepper Jacks and CV Roasters	
Brewer recruitment and marketing	\$450.00			
Marketing Design	\$0.00		FREE- courtesy Town of Frederick	
Web page Design	\$0.00		FREE/membership or spnsrshp trade- Ken Broadband of Puma Networks	
Marketing and Printing	\$500.00		Posters, save the date, etc	
Event signage	\$250.00		may be able to reuse from last year	
Directed digital advertising	\$1,000.00	\$1,000.00	in trade with Bullzi	
Sponsor Signage at Event				
TOTAL	\$2,200.00			
Set up/Vendors			Notes	
Town of Frederick event permit application fee	\$100.00	\$100.00	paid, 3/26	
Liability Insurance			Pure Risk to sponsor by paying quote	
Purchase or Rent Clicker			ask Town of Frederick	
ice	\$500.00		80-100lbs needed per brewery; ask Safeway store manager to donate, list as sponsor	
6/8 ft tables and chairs	\$624.74		per bewery; add'-	
Décor and Set Up	\$100.00		for tables - need hay bales, etc	
Lunch	\$0.00		Food for vendors and volunteers right at 2:30	
Water stations	\$0.00		sponsor for this? Stapp?	
Tent	\$0.00	\$0.00	size? Greater than 400 sq ft? 303x30 clear span or town tent	
Tasting Glasses	\$0.00	\$0.00	From Last Year	
Wrist Bands	\$50.00		We should still have some left	

CC Machines/Square	\$500.00		to accept payments for tickets at the event	
3 Police Officers	\$750.00		1 supervisor + 2 officers at \$50/hr for 5 hours, includes 1/2 hour before and after- apply for grant	
Public Works/Labor	\$460.00		2 PW employees @\$23.00 per hour ea. • 8 total man-hours, (4 installation & 4 tear-down) • 2 total man-hours trash removal / cleanup	
Security Radios	\$125.00			
Fencing	\$0.00		Home Depot donate	
Volunteer Shirts			do we need more of these?	
Event t-shirts	\$3,250.00		325 shirts @\$10?	
Port-o-poties	\$668.00		4 reg with 1 handicap	
Trash	\$500.00		Sponsorship trade	
TOTAL	\$7,627.74			
Activities			Notes	
Mechanical Bull	\$750.00			
Giant Beer Pong	\$50.00			
Keg Lassoing	\$10.00		Need rope	
Corn Hole			Town of Frederick donated	
TOTAL	\$810.00			
Entertainment			Notes	
band	\$1,000.00		local artist?	
Total	\$1,000.00			
Sponsorships			Notes	
Town of Frederick	\$1,210.00		Grant request applied for	
3 Rock Liquors				
Mark Young	\$1,000.00		already committed and paid?	
Encana	\$1,000.00		written into grant	
Ward Electric				
Bullz! Media	\$2,000.00		\$1000 in cash/ \$1000 in trade	
Pure Risk				
Noble Energy				
Waste Connections	\$500.00		In trade for event:)	
Inspiring Talkers				
Creative Years				
Coal Ridge Animal Hospital				
1ST Bank	\$125.00	\$125.00	needs to be invoiced	
Kids Nite Out				
Stapp Toyota				
Tutor Doctor				
Safeway				
TOTAL	\$5,835.00			
EVENT TOTAL INCOME	\$15,575.00			
Event Sponsorship total	\$5,835.00			
EVENT TOTAL EXPENSE	\$11,637.74			

NET PROFIT	<u>\$9,772.26</u>		
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TOWN OF FREDERICK MEMORANDUM

TO: Honorable Mayor Tony Carey and Board of Trustees

FROM: Meghan Martinez, Town Clerk

DATE: May 22, 2015

SUBJECT: Town Clerk Report

- *Liquor Licensing.* Reviewing three liquor license renewals, one temporary modification of premises, and one new license application with licensing staff. All of these items have been calendared for the authority. Scheduled show cause hearing for July 7, 2015 at 7:00 p.m.
- *School Tours.* Conducted school tours with Carbon Valley Academy and Thunder Valley K-8.
- *Historic Preservation Commission.* A meeting is scheduled for Thursday, May 28, 2015 at 9:00 a.m. at Town Hall.
- *Leadership Weld County.* Attended final session and graduation for Leadership Weld County. Thank you for the opportunity to participate in the program.
- *Frederick Arts Commission.* The Community Canvas program has been added to the web site. The commission will be taking applications until June 19, 2015. Still coordinating with CJR Designs to finalize the delivery date for “Caught Up.”
- *Certified Record.* Completed the certified record related to Highway 52 and provided it to counsel for feedback and changes.
- *Open Records Request.* Completed one open records request.
- *Retreat.* Finalizing retreat details with the Boulderado for Board Retreat.
- *Community Funding Requests.* Finalizing draft of updated funding request document for review by the Town Attorney.

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TOWN OF FREDERICK BOARD OF TRUSTEES
REGULAR BOARD MEETING MINUTES
FREDERICK TOWN HALL, 401 LOCUST STREET
MAY 12, 2015

Call to Order: At 7:00 Mayor Carey called the meeting to order and requested roll call.

Roll Call: Present were Mayor Carey, Mayor Pro Tem Brown, and Trustees Payne, Skates, Burnham, Schiers and Hudziak. Also present were Town Manager Matt LeCerf, Town Attorney Rick Samson, and Town Clerk Meghan Martinez.

Pledge of Allegiance: Mayor Carey invited everyone to join in the Pledge of Allegiance.

Special Presentations:

Frederick Firestone Fire Protection District Quarterly Update: Battalion Chief Iacino presented the first quarter report and was available to answer questions.

Frederick High School Alumni Association Funding Request: Candis Schey appeared on behalf of the Association and requested \$100.00 for a hole sponsorship for the annual golf tournament. Motion by Trustee Schiers and seconded by Trustee Hudziak to approve \$100 for the Frederick High School Alumni Association. Upon roll call vote, motion passed unanimously.

I Have a Dream Foundation: Lori Canova, 2204 LaSalle Street Superior, Colorado, shared information with the Board regarding the I Have a Dream Foundation. Sean Corey, Legacy Elementary School Principal, also addressed the Board regarding the I Have a Dream Foundation.

Public Comment:

Jeff Giovanetto, 7182 Canyon Way Frederick, Colorado, discussed street issues within the Countryside neighborhood.

Staff Reports:

Administrative Report: Town Manager Matt LeCerf provided a written report to the Board.

Town Clerk's Report: Town Clerk Meghan Martinez provided a written report to the Board.

Consent Agenda:

Motion by Mayor Pro Tem Brown and seconded by Trustee Payne to approve the following items on the consent agenda:

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1. April 28, 2015 Minutes

Upon roll call vote, motion passed unanimously.

Action Agenda:

Town of Frederick Scholarship: Mayor Carey discussed the recommendations from the Scholarship Commission for the 2015 Frederick Scholarship Awards. Kaley Birge, 8814 Welsh Lane Frederick, Colorado introduced herself to the Board.

Motion by Trustee Schiers and seconded by Trustee Payne to award the 2015 Frederick Scholarship to Kaley Birge. Upon roll call vote, motion passed unanimously.

Motion by Trustee Payne and seconded by Trustee Skates to award the 2015 Frederick Scholarship to Alex Kolanowski. Upon roll call vote, motion passed unanimously.

Mayor Carey indicated that the Scholarship Commission is considering adding an interview portion to the application next year.

Motion by Mayor Pro Tem Brown and seconded by Trustee Hudziak to approve Resolution 15R30. Upon roll call vote, motion passed unanimously.

Mayor and Trustee Reports:

Trustee Payne: The POST Commission has met about the park conditions survey. They will be assessing the parks over the next few weeks.

Trustee Schiers: Nothing at this time.

Trustee Skates: Attended Miners Day Commission Meeting. The commission has finalized the music for the event. The Commission would like feedback from the Board regarding the parade route. The Board is generally in favor of the route for this year's event. The Commission is also in need of volunteers.

Trustee Hudziak: Nothing at this time.

Trustee Burnham: Nothing at this time.

Mayor Pro Tem Brown: She reminded the Board there will be an executive session for the Town Prosecutors evaluation on June 2, 2015. She attended the school tours

Mayor Carey: He will be at ICSC next week. Town Manager LeCerf will be sending out information on the public safety tax. He asked Town Manager LeCerf to discuss the CML vacancy.

Town Manager Matt LeCerf discussed the opportunity on the CML Executive Board and requested the Board authorize him to submit his name.

Motion by Trustee Skates and seconded by Trustee Schiers endorse Town Manager Matt LeCerf for the CML Board at the Election in June. Upon roll call vote, motion passed unanimously.

There being no further business of the Board, Mayor Carey adjourned the meeting at 8:05 p.m.

Approved by the Board of Trustees:

ATTEST:

Tony Carey, Mayor

Meghan C. Martinez, Town Clerk

Town of Frederick-List of Bills
April 18, 2015 - May 15, 2015

4 RIVERS EQUIPMENT LLC	Supplies	30.96
A KID'S PLACE	January-March user fee	219.00
ACE HARDWARE OF FIRESTONE	Supplies	519.59
ADAMSON POLICE PRODUCTS	Police Equipment	347.50
AGFINITY	Weed Control	1,188.96
AGISI ENVIRONMENTAL SERVICES	Demolition work	15,000.00
ALSCO	Public Works Uniforms	419.67
ANGELA DENTON	Restitution	1,000.00
ARROW OFFICE EQUIPMENT, INC.	Office Supplies	1,733.20
AT&T MOBILITY	GPS Modem Service	82.90
ATEK HEATING & AIR CONDITIONING	Equipment maintenance	735.98
B&L REPAIR	Vehicle maintenance	403.81
BASE LINE LAND & RESERVOIR COMPANY	Water shares	266.50
BECKY LYALL	Bank building lease	1,000.00
BK TIRE, INC.	Tire repairs	19.00
BLADEWORKS INC	Grader	900.00
BRIAN KING	Godding Hollow Pkwy-Easement & ROW Acq.	280.00
BROOKE MOUREY	Reimbursement for training expenses	191.17
CARBON VALLEY CAR WASH LLC	Vehicle maintenance	140.17
CARBON VALLEY HALF MARATHON	Donation	1,300.00
CARD SERVICES	Travel & Training/Supplies	5,205.03
CASELLE, INC.	Contract Support & Maintenance	1,603.00
CATHERINE RAYDER	Restitution	250.00
CENTRAL WELD COUNTY WATER DIST	Water Usage	34,553.88
CENTRAL WELD CTY WATER DIST	Water taps	200,000.00
CENTURYLINK COMMUNICATIONS	Fax & phone services	229.68
CHEMATOX LABORATORY INC	Blood tests	210.00
CHRISTINA KNECHT	Payment refund	45.88
CIRSA	Insurance	2,119.50
CIVIL RESOURCES, LLC	Wetlands Loop Emergency Repair	27,153.23
CODE PUBLISHING INC	Frederick Municipal Code update	582.25
COLORADO BARRICADE CO	Signage	40.10
COLORADO FARMERS MARKET ASSOCIATION	Association dues	90.00
COLORADO LTAP, UNIV OF CO AT BOULDER	Sign Inventory Mgmt. Systems training	150.00
COLORADO MATERIALS INC	Road Base	565.07
COLORADO SECRETARY OF STATE	Municipal Elections Training	30.00
COMCAST CABLE	TV & Internet services	399.45
COMCAST PHONE	Phone Service	521.48
COMPASS USA	Refund for park reservation cancellation	50.00
COREN PRINTING INC	Employee Code of Conduct booklets	127.99
COYOTE RIDGE CONSTRUCTION LLC	Tipple Pkwy Non-potable main extension proj.	107,920.48
CPS DISTRIBUTORS, INC.	Storm water supplies	10.25
CRIME SCENE CLEANERS INC	Cleaning services	130.00
DANA KEPNER CO	Water Meter Supplies	30,620.52
DARNELL DRISKELL	Case refund	20.00
DBC IRRIGATION SUPPLY	Irrigation maintenance supplies	292.16
DEPARTMENT OF PUBLIC HEALTH & ADMIN	Water testing-1st Qtr. 2015	3,957.00

Town of Frederick-List of Bills

April 18, 2015 - May 15, 2015

DOMINANT DIRT WORKS LLC	Hydrant Meter Refund	2,200.00
E-470 PUBLIC HIGHWAY AUTHORITY	Travel	13.80
ECONOMY PLUMBING, HEAT & AIR INC	Building Maintenance	1,250.00
ELSTER SOLUTIONS LLC	Electric meter supplies	31,266.06
ENTENMANN-ROVIN CO	PD equipment	106.00
EVOLVE TECHNOLOGIES LLC	Equipment	272.53
EWING AUTO PARTS INC.	Vehicle maintenance supplies	6.48
EXPONENTIAL ENGINEERING COMPANY	Electrical Engineering Services	1,986.25
FAIRFIELD AND WOODS PC	Legal	6,668.62
FAST SIGNS	Banners - Fishing clinic & Relay for Life	172.50
FREDERICK FIRESTONE FIRE PROTECTION DIST	Blood draw	132.80
FREDERICK HIGH SCHOOL	Donation	1,200.00
FREEDOM MAILING SERVICES LLC	Utility bill printing and postage	2,266.29
FRONTIER BUSINESS PRODUCTS	Contract Base rate for scanner	285.00
G & G EQUIPMENT INC	Equipment repairs/supplies	347.52
GABINO NIETO	Safety supplies	236.00
GRAINGER	Equipment	41.76
GREEN SPOT INC	Tree voucher	100.00
HIGH COUNTRY HARLEY DAVIDSON	Steel Drums	75.00
HOME DEPOT/GECF	Supplies	767.94
HUMAN RESOURCE MANAGEMENT CONS.	Training	5,200.00
HUNTER COLLINS	Refund Overpayment	45.08
IN FORM CREATIONS LLC	Branding - SEO ongoing	1,300.00
INTERSTATE FORD	Truck maintenance	129.36
JACQUELINE VILLANUEVA	Restitution	677.29
JAMES WILSON	Refund Overpayment	47.08
JEAN WILKERSON	Godding Hollow Pkwy-Easement & ROW Acq.	525.10
JEFF CAHN INC	Judge services	1,200.00
JERALD BUFFINGTON	Godding Hollow Pkwy-Easement & ROW Acq.	330.00
KATHY LARSON	Reimbursement for travel	79.70
KATHY WARDLE	Sculpture	18,666.66
KENDALL MARTINEZ	Door hanger distribution	120.00
KING SURVEYORS INC	Registered Land Surveyor	847.00
KINSCO LLC	Equipment	113.98
KRISTIN NORDECK BROWN P.C.	Legal service	5,364.00
L.L. JOHNSON DISTRIBUTING COMPANY	Equipment	360.00
LAND TITLE	Refund Overpayment	24.61
LIGHTING, ACCESSORY & WARNING SYSTEMS	Vehicle maintenance/repairs	187.00
LONGMONT HUMANE SOCIETY	Impound fee	991.67
MAIL SOLUTIONS & PRINTING	Printing	560.65
MOUNTAIN STATES EMPLOYERS COUNCIL	Training	175.00
NELSI MALDONADO	Tractor repairs	340.00
NEW COAL RIDGE DITCH COMPANY	2015 Assessment 8 shares	232.00
NEW CONSOLIDATED LOWER BOULDER RES.	Legal fee reimbursement	10,416.71
NEWMAN TRAFFIC SIGNS, INC.	Street signs	879.13
NORTHERN CO. WATER CONSERVANCY DIST.	NISP Eleventh Interim Agreement	65,000.00
NORTHERN COLORADO CONSTRUCTORS INC	Godding Hollow pot hole repair	3,615.00

Town of Frederick-List of Bills

April 18, 2015 - May 15, 2015

NORTHERN COLORADO CONSTRUCTORS INC	Eagle Business park PH 2	4,867.80
OFFICE DEPOT	Supplies	117.54
O'REILLY AUTOMOTIVE INC	Supplies	329.21
PAUL C BENEDETTI	Legal services	2,220.00
PINNACOL ASSURANCE	Worker's Comp	13,040.00
PRAIRIE MOUNTAIN PUBLISHING LLP	Publishing	89.23
PRE ACTION FIRE INC	Service equipment	1,380.00
RAMEY ENVIRONMENTAL COMPLIANCE	ORC Services Distribution & Collection Systems	4,690.00
RAMEY ENVIRONMENTAL COMPLIANCE	Milavec Pump Station Fill Valve replacement	2,663.82
REDI SERVICES LLC	Monthly Servicing of Porta Johns	880.00
REIF & HUNSAKER PC	March consulting	440.00
REYES CHAVEZ	Equipment reimbursement	38.96
RICHMOND AMERICAN HOMES	Refund Overpayment	12.46
RICKY SHOAF	Restitution	112.04
ROCKY MOUNTAIN BLUEPRINT & SUPPLY	Plotter paper	152.40
SAFETY & CONSTRUCTION SUPPLY INC	Safety Equipment	179.24
SAFEWAY	Supplies	246.18
SAM'S CLUB / GECRB	Supplies	1,193.38
SAMSON LAW FIRM	Fred/Retainer	11,500.00
SENSUS METERING SYSTEM	Autoread software support annual renewal	1,570.34
SHIRCO PRODUCTS	Supplies	30.75
SHRED-IT USA	Document Shredding	285.60
SOURCE GAS	Gas Usage	2,448.05
STEWART TITLE	Refund Overpayment	98.84
STRIGLOS COMPANIES, INC.	Terminal server license/Equipment	1,189.00
TELOS ONLINE	Wireless service	309.99
THE NAKED HANGER	Uniform cleaning	511.50
THE TREE FARM	Tree vouchers	200.00
TIMBERLAN	Terminal Server	6,767.93
TLO LLC	Investigation fee	70.00
TOTAL FACILITY CARE	Cleaning Services	875.00
TOWN OF FREDERICK	Petty cash	243.25
TYLER SCHWARTZKOPF	Board Meeting Recordings	60.00
UMB Bank	Custodian Fee	187.50
UNIFIED TITLE COMPANY	Refund Overpayment	32.03
UNITED POWER	Electric	133,810.59
UPPER CASE PRINTING, INK.	Newsletter printing	2,311.00
UTILITY NOTIFICATION CENTER OF COLORADO	Utility Locates	1,271.27
UTILITY SALES & SERVICE INC	Contract Meter Reading	2,175.59
VERIZON WIRELESS	Wireless service	2,341.33
W.L. CONTRACTORS, INC.	Monthly maintenance fee	425.25
WARD ELECTRIC COMPANY INC	Electric O & M	40,709.29
WARD ELECTRIC COMPANY INC	Materials	299.03
WARD ENGINEERING INC	Engineering Aid	894.01
WASTE CONNECTIONS OF COLO INC	Trash service	79,456.42
WATER USERS ASSOC. OF DISTRICT NO.6	2015 Water Assessment	338.74
WELD COUNTY CLERK & RECORDER	Recordings	500.00

Town of Frederick-List of Bills
April 18, 2015 - May 15, 2015

WELLS FARGO	Client Analysis	15.63
WILLIAM Y LEUNG LLC	Consulting Services	636.80
WIRELESS ADVANCED COMM, INC.	Programming	105.00
WORKWELL OCCUPATIONAL MEDICINE	Drug Screening/Evaluations	919.68
WRIGHT EXPRESS	Fuel	4,362.06
	Totals:	<hr/> 939,080.66



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

A Resolution Opposing Legislation Titled HB15-1348 and Requesting a Veto of the Bill by Governor John W. Hickenlooper

Agenda Date: Town Board Meeting - May 26, 2015


Attachments:

- a. Resolution 15-R-33
- b. HB1348 as Passed by the State Legislature

Finance Review:


Finance Director

Submitted by:



Town Manager

Approved for Presentation:



Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Summary Statement:

The resolution presented is a statement of the Town of Frederick's opposition of HB15-1348 which was drafted in an effort to negatively impact Urban Renewal Authority law. This resolution will request a veto of the bill by Governor Hickenlooper.

Detail of Issue/Request:

During the 2015 legislative session a number of URA bills were introduced the most substantive specifically one in the house and one in the senate. Specifically they were requested by Colorado Counties Inc. (CCI) and Colorado Municipal League (CML).

The bills were drastically different CCI's bill which ultimately has passed (HB15-1348 establishes potential risks to continuing to collect tax revenue in existing tax increment financing districts, fails to identify compromises sought by CML due to false premise that non binding collaboration would be

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more favorable to special districts and counties, and generally it creates an inflexible scenario by which all taxing entities can work together.

CML also proposed legislation that would address the consistent statement by the special districts and other tax entities that they desired a seat at the table, skin in the game, and ensuring that the costs of services impacts caused by Urban Renewal were addressed. Unfortunately senate bill SB15-135 did not pass.

At this time there is an effort and a request by CML to urge the Governor to veto SB15-1348 and the resolution presented outlines the basis for which the veto is being requested. On the other side we know that special districts are requesting urgency and the need for the Governor to sign the bill into law. Overall this will have a significant impact on the Urban Renewal Authority moving forward and the best option is to compel leaders on both sides of the table to come together and find a compromise and work together to creating an end where both parties feel either somewhat satisfied or in some instances feel as if they both lost.

Legal Comments:

The resolution presented was drafted by our Town attorney.

Alternatives/Options:

The Board could choose:

- Not to approve the resolution as presented.
- Direct staff to address this veto request in another method.

Financial Considerations:

Currently, not applicable.

Staff Recommendation:

The staff recommends approval of the resolution as presented.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 15-R-33**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
STATING THE TOWN'S OPPOSITION TO THAT CERTAIN
LEGISLATION TITLED HB 15-1348 UNREASONABLE BARRIERS TO
URBAN REDEVELOPMENT, AND REQUESTING THAT GOVERNOR
JOHN W. HICKENLOOPER VETO SAID HB 15-1348, TO ALLOW THE
VARIOUS STAKEHOLDERS TO CONFER AND PROPOSE
LEGISLATION FOR THE 2016 LEGISLATIVE SESSION THAT WILL
ADDRESS THE PERCEIVED INEQUITIES OF URBAN
REDEVELOPMENT ON LOCAL GOVERNMENT TAXING
AUTHORITIES.**

WHEREAS, On May 14, 2013, the Board of Trustees voted unanimously to establish the Frederick Urban Renewal Authority; and

WHEREAS, The FURA has demonstrated the ability to establish Tax-Increment Financing districts in Frederick for the purpose of spurring reinvestment in areas in physical or economic decline; and

WHEREAS, the Board of Trustees of the Town of Frederick believes that HB 15-1348 will result in a chilling effect on the ability to create future urban renewal projects. The tax increment financing (TIF) formula contained in the bill will discourage the private sector from investing the time and money needed to develop a project financing package with an urban renewal authority, with the probability that the financing package will be undone by demands made during the TIF negotiations with taxing entities; and

WHEREAS, municipalities and state statute have long recognized the need to compensate counties for service costs created by an urban renewal project. Urban renewal authorities have a strong track record of negotiating with counties, fire districts and school districts to compensate them for their costs of service created by the project. As each urban renewal project is different, this is worked out locally following a service impact study that is required by statute. HB 15-1348 abandons this approach and sets up a negotiation process in which counties and districts attempt to gain TIF dollars not connected with any service costs they incur from the project; and

WHEREAS, The bill implies that municipalities take unfair advantage of other taxing entities through the use of tax increment financing for urban renewal projects. This is not true. Municipalities and the private sector are the only entities investing upfront dollars into a project. Other taxing entities make no upfront investment in the project but they reap increased property tax revenue as the project moves forward - and a windfall at the end of the TIF period. If the URA project can't move forward, the properties involved continue their decline in valuation yielding fewer property tax dollars for all taxing entities; and

WHEREAS, The bill implies that municipalities take unfair advantage of other taxing entities through the use of tax increment financing for urban renewal projects. This is not true. Municipalities and the private sector are the only entities investing upfront dollars into a project. Other taxing entities make no upfront investment in the project but they reap increased property tax revenue as the project moves forward - and a windfall at the end of the TIF period. If the URA project can't move forward, the properties involved continue their decline in valuation yielding fewer property tax dollars for all taxing entities; and

WHEREAS, the amount of property tax revenue gained by all taxing entities during the TIF period is not static, but increases during the life of the urban renewal project; and

WHEREAS, tax increment financing is the key to making an urban renewal project possible. It comes from the new tax revenue generated over time by the urban renewal project. No project - no new revenue. No taxing entity loses money on an urban renewal project; and

WHEREAS, the Board of Trustees believes that the implementation of HB 15-1348, currently awaiting the governor's signature will adversely affect the FURA and its abilities to accomplish its stated goals and is therefore detrimental to the interests of the Town of Frederick; and

WHEREAS, the Board of Trustees believes that it is appropriate for action on revamping the taxing authority of urban renewal authorities to be delayed to allow the various stakeholders to confer and propose legislation for the 2016 legislative session that will address the perceived inequities of urban redevelopment on local government taxing authorities.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, WELD COUNTY, COLORADO THAT;

Section 1. The Board of Trustees of the Town of Frederick hereby expresses its opposition to the enactment of HB 15-1348 and urges Governor John W. Hickenlooper to veto said bill.

Section 2. The Board of Trustees hereby authorizes the Mayor and the Town Clerk to execute this Resolution of Opposition, and to cause this Resolution to be forwarded to the office of the Governor of Colorado, forthwith.

Section 3. Effective Date. This resolution shall become effective immediately upon adoption.

Section 4. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 5. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 26TH DAY OF MAY, 2015

ATTEST

TOWN OF FREDERICK

Meghan C. Martinez, Town Clerk

By_____
Tony Carey, Mayor

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 15-1348

BY REPRESENTATIVE(S) Hullinghorst and Lawrence, Brown, Buck, Conti, Coram, DelGrosso, Dore, Ginal, Wilson, Becker J., Becker K., Kagan, Roupe, Van Winkle, Danielson, Mitsch Bush, Ryden, Tyler, Vigil; also SENATOR(S) Heath and Balmer, Grantham, Kefalas, Marble, Merrifield, Sonnenberg, Guzman, Neville T.

CONCERNING MODIFICATIONS TO STATUTORY PROVISIONS GOVERNING URBAN REDEVELOPMENT TO PROMOTE THE EQUITABLE FINANCIAL CONTRIBUTION AMONG AFFECTED PUBLIC BODIES IN CONNECTION WITH URBAN REDEVELOPMENT PROJECTS ALLOCATING TAX REVENUES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 31-25-104, **amend** (2) (a) and (2) (b); and **add** (2.5) as follows:

31-25-104. Urban renewal authority. (2) (a) (I) EXCEPT AS PROVIDED IN SUBSECTION (2.5) OF THIS SECTION, an authority ~~shall consist~~ CONSISTS of ~~any odd number of~~ THIRTEEN commissioners, ~~which shall be not less than five nor more than eleven each~~ NOT FEWER THAN TEN of whom ~~shall~~ MUST be appointed by the mayor, who shall designate the ~~chairman~~ CHAIRPERSON for the first year. ~~Such~~ IN ORDER TO REPRESENT

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

THE COLLECTIVE INTERESTS OF THE COUNTY AND ALL TAXING BODIES LEVYING A MILL LEVY IN ONE OR MORE URBAN RENEWAL AREAS MANAGED BY THE AUTHORITY, REFERRED TO IN THIS PART 1 AS AN URBAN RENEWAL AUTHORITY AREA, OTHER THAN THE MUNICIPALITY, ONE SUCH COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED, ONE SUCH COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA, AND ONE COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA. IF THE URBAN RENEWAL AUTHORITY AREA IS LOCATED WITHIN THE BOUNDARIES OF MORE THAN ONE COUNTY, THE APPOINTMENT IS MADE BY AGREEMENT OF ALL OF THE COUNTIES IN WHICH THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED.

(II) IF NO COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT APPOINTS A COMMISSIONER TO THE AUTHORITY, THEN THE COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT APPOINTMENT REMAINS VACANT UNTIL SUCH TIME AS THE APPLICABLE APPOINTING AUTHORITY MAKES THE APPOINTMENT PURSUANT TO THIS PARAGRAPH (a).

(III) IF THE APPOINTING COUNTY IS A CITY AND COUNTY, THE REQUIREMENTS OF THIS PARAGRAPH (a) PERTAINING TO COUNTY REPRESENTATION ON THE AUTHORITY BOARD NEED NOT BE SATISFIED.

(IV) ALL MAYORAL appointments and ~~designation shall be~~ CHAIR DESIGNATIONS ARE subject to approval by the governing body OF THE MUNICIPALITY WITHIN WHICH THE AUTHORITY HAS BEEN ESTABLISHED. Not more than one of the commissioners APPOINTED BY THE MAYOR may be an official of the municipality.

(V) In the event that an official of the municipality is appointed as commissioner of an authority, acceptance or retention of such appointment ~~shall not be~~ IS NOT deemed a forfeiture of his OR HER office, or incompatible therewith, ~~or~~ AND DOES NOT affect his OR HER tenure or compensation in any way. The term of office of a commissioner of an authority who is a municipal official ~~shall~~ IS not ~~be~~ affected or curtailed by

the expiration of the term of his OR HER municipal office.

(b) The commissioners who are first appointed ~~shall~~ MUST be designated by the mayor to serve for staggered terms so that the term of at least one commissioner will expire each year. Thereafter, the term of office ~~shall be~~ IS five years. A commissioner ~~shall hold~~ HOLDS office until his OR HER successor has been appointed and has qualified. Vacancies other than by reason of expiration of terms ~~shall~~ MUST be filled by the mayor for the unexpired term; EXCEPT THAT, IN THE CASE OF A COMMISSIONER ON THE AUTHORITY WHO HAS BEEN APPOINTED BY THE BOARD OF COMMISSIONERS OF A COUNTY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2), A VACANCY ON THE AUTHORITY BOARD FOR THE BALANCE OF THE UNEXPIRED TERM MUST BE FILLED BY THE BOARD OF COMMISSIONERS OF THE COUNTY THAT MADE THE ORIGINAL APPOINTMENT, A VACANCY OF THE SPECIAL-DISTRICT APPOINTED SEAT MUST BE FILLED BY AGREEMENT OF THE AFFECTED SPECIAL DISTRICTS, AND A VACANCY OF THE SCHOOL-DISTRICT APPOINTED SEAT MUST BE FILLED BY AGREEMENT OF THE AFFECTED SCHOOL DISTRICTS. A majority of the commissioners ~~shall constitute~~ CONSTITUTES a quorum. The mayor shall file with the clerk a certificate of the appointment or reappointment of any commissioner, and such certificate ~~shall be~~ IS conclusive evidence of the due and proper appointment of such commissioner. A commissioner ~~shall receive~~ RECEIVES no compensation for his OR HER services, but ~~he shall be~~ IS entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his OR HER duties.

(2.5) WHEN THE GOVERNING BODY OF A MUNICIPALITY DESIGNATES ITSELF AS THE AUTHORITY OR TRANSFERS AN EXISTING AUTHORITY TO THE GOVERNING BODY PURSUANT TO SECTION 31-25-115 (1), AN AUTHORITY CONSISTS OF THE SAME NUMBER OF COMMISSIONERS AS THE NUMBER OF MEMBERS OF THE GOVERNING BODY. IN ADDITION, IN ORDER TO REPRESENT THE COLLECTIVE INTERESTS OF THE COUNTY AND ALL TAXING BODIES LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA OTHER THAN THE MUNICIPALITY, ONE ADDITIONAL COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED, ONE ADDITIONAL COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY

AREA, AND ONE ADDITIONAL COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA. IF THE NUMBER OF MEMBERS OF THE GOVERNING BODY CAUSES THE AUTHORITY TO HAVE AN EVEN NUMBER OF COMMISSIONERS, THE MAYOR SHALL APPOINT AN ADDITIONAL COMMISSIONER TO RESTORE AN ODD NUMBER OF COMMISSIONERS TO THE AUTHORITY. AS APPLICABLE, THE APPOINTMENT OF THE COUNTY, SPECIAL DISTRICT, AND SCHOOL DISTRICT REPRESENTATIVES ON THE AUTHORITY PURSUANT TO THIS SUBSECTION (2.5) MUST BE MADE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SUBSECTION (2) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 31-25-107, **amend** (9) (a) introductory portion and (9) (a) (II); and **add** (9) (i) and (9.5) as follows:

31-25-107. Approval of urban renewal plans by local governing body. (9) (a) Notwithstanding any law to the contrary, any urban renewal plan, as originally approved or as later modified pursuant to this part 1, may contain a provision that THE PROPERTY taxes OF SPECIFICALLY DESIGNATED PUBLIC BODIES, if any, levied after the effective date of the approval of such urban renewal plan upon taxable property in an urban renewal area each year or that municipal sales taxes collected within said area, or both such taxes, by or for the benefit of ~~any~~ THE DESIGNATED public body ~~shall~~ MUST be divided for a period not to exceed twenty-five years after the effective date of adoption of such a provision, as follows:

(II) That portion of said property taxes or all or any portion of said sales taxes, or both, in excess of the amount of property taxes or sales taxes paid into the funds of each such public body in accordance with the requirements of subparagraph (I) of this paragraph (a) ~~shall~~ MUST be allocated to and, when collected, paid into a special fund of the authority to pay the principal of, the interest on, and any premiums due in connection with the bonds of, loans or advances to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, the authority for financing or refinancing, in whole or in part, an urban renewal project, or to make payments under an agreement executed pursuant to subsection (11) of this section. Any excess municipal sales tax OR PROPERTY TAX collections not allocated pursuant to this subparagraph (II) ~~shall~~ MUST be paid into the funds of the municipality OR OTHER TAXING ENTITY, AS

APPLICABLE. Unless and until the total valuation for assessment of the taxable property in an urban renewal area exceeds the base valuation for assessment of the taxable property in such urban renewal area, as provided in subparagraph (I) of this paragraph (a), all of the taxes levied upon the taxable property in such urban renewal area ~~shall~~ MUST be paid into the funds of the respective public bodies. Unless and until the total municipal sales tax collections in an urban renewal area exceed the base year municipal sales tax collections in such urban renewal area, as provided in subparagraph (I) of this paragraph (a), all such sales tax collections ~~shall~~ MUST be paid into the funds of the municipality. When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, all taxes upon the taxable property or the total municipal sales tax collections, or both, in such urban renewal area ~~shall~~ MUST be paid into the funds of the respective public bodies, AND ALL MONEYS REMAINING IN THE SPECIAL FUND ESTABLISHED PURSUANT TO THIS SUBPARAGRAPH (II) THAT HAVE NOT PREVIOUSLY BEEN REBATED AND THAT ORIGINATED AS PROPERTY TAX INCREMENT GENERATED BASED ON THE MILL LEVY OF A TAXING BODY, OTHER THAN THE MUNICIPALITY, WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AREA MUST BE REPAID TO EACH TAXING BODY BASED ON THE PRO RATA SHARE OF THE PRIOR YEAR'S PROPERTY TAX INCREMENT ATTRIBUTABLE TO EACH TAXING BODY'S CURRENT MILL LEVY IN WHICH PROPERTY TAXES WERE DIVIDED PURSUANT TO THIS SUBSECTION (9). ANY MONEYS REMAINING IN THE SPECIAL FUND NOT GENERATED BY PROPERTY TAX INCREMENT ARE EXCLUDED FROM ANY SUCH REPAYMENT REQUIREMENT. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ANY ADDITIONAL REVENUES THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT RECEIVES EITHER BECAUSE THE VOTERS HAVE AUTHORIZED THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT TO RETAIN AND SPEND SAID MONEYS PURSUANT TO SECTION 20 (7) (d) OF ARTICLE X OF THE STATE CONSTITUTION SUBSEQUENT TO THE CREATION OF THE SPECIAL FUND PURSUANT TO THIS SUBPARAGRAPH (II) OR AS A RESULT OF AN INCREASE IN THE PROPERTY TAX MILL LEVY APPROVED BY THE VOTERS OF THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT SUBSEQUENT TO THE CREATION OF THE SPECIAL FUND, TO THE EXTENT THE TOTAL MILL LEVY OF THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT EXCEEDS THE RESPECTIVE MILL LEVY IN EFFECT AT THE TIME OF APPROVAL OR SUBSTANTIAL MODIFICATION OF THE URBAN RENEWAL PLAN, ARE NOT INCLUDED IN THE AMOUNT OF THE INCREMENT THAT IS ALLOCATED TO AND, WHEN COLLECTED, PAID INTO THE

SPECIAL FUND OF THE AUTHORITY.

(i) WITHIN THE TWELVE-MONTH PERIOD PRIOR TO THE EFFECTIVE DATE OF THE APPROVAL OR MODIFICATION OF THE URBAN RENEWAL PLAN REQUIRING THE ALLOCATION OF MONEYS TO THE AUTHORITY PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9), THE MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT IS ENTITLED TO THE REIMBURSEMENT OF ANY MONEYS THAT SUCH MUNICIPALITY, COUNTY, SPECIAL DISTRICT, OR SCHOOL DISTRICT PAYS TO, CONTRIBUTES TO, OR INVESTS IN THE AUTHORITY FOR THE PROJECT. THE REIMBURSEMENT IS TO BE PAID FROM THE SPECIAL FUND OF THE AUTHORITY ESTABLISHED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (9).

(9.5)(a) BEFORE ANY URBAN RENEWAL PLAN CONTAINING ANY TAX ALLOCATION PROVISIONS THAT ALLOCATES ANY TAXES OF ANY PUBLIC BODY OTHER THAN THE MUNICIPALITY MAY BE APPROVED BY THE MUNICIPAL GOVERNING BODY PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE GOVERNING BODY SHALL NOTIFY THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY AND THE GOVERNING BOARDS OF EACH OTHER PUBLIC BODY WHOSE PROPERTY TAX REVENUES WOULD BE ALLOCATED UNDER SUCH PROPOSED PLAN. REPRESENTATIVES OF THE MUNICIPAL GOVERNING BODY AND EACH BOARD OF COUNTY COMMISSIONERS AND EACH PUBLIC BODY SHALL THEN MEET AND ATTEMPT TO NEGOTIATE AN AGREEMENT GOVERNING THE TYPES AND LIMITS OF TAX REVENUES OF EACH TAXING ENTITY TO BE ALLOCATED TO THE URBAN RENEWAL PLAN. THE AGREEMENT MUST ADDRESS, WITHOUT LIMITATION, ESTIMATED IMPACTS OF THE URBAN RENEWAL PLAN ON COUNTY OR DISTRICT SERVICES ASSOCIATED SOLELY WITH THE URBAN RENEWAL PLAN. THE AGREEMENT MAY BE ENTERED INTO SEPARATELY AMONG THE MUNICIPALITY, THE AUTHORITY, AND EACH SUCH COUNTY OR OTHER PUBLIC BODY, OR THROUGH A JOINT AGREEMENT AMONG THE MUNICIPALITY, THE AUTHORITY, AND ANY PUBLIC BODY THAT HAS CHOSEN TO ENTER THAT AGREEMENT. ANY SUCH ALLOCATED SHARED TAX REVENUES GOVERNED BY ANY AGREEMENT ARE LIMITED TO ALL OR ANY PORTION OF THE TAXES LEVIED UPON TAXABLE PROPERTY BY THE PUBLIC BODY WITHIN THE AREA COVERED BY THE URBAN RENEWAL PLAN IN ADDITION TO ANY SALES TAX REVENUES GENERATED WITHIN THE AREA COVERED BY THE URBAN RENEWAL PLAN BY THE IMPOSITION OF THE SALES TAX OF THE MUNICIPALITY AND ANY OTHER PUBLIC BODY.

(b) THE AGREEMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5) MAY PROVIDE FOR A WAIVER OF ANY PROVISION OF THIS PART 1 THAT PROVIDES FOR NOTICE TO THE PUBLIC BODY, REQUIRES ANY FILING WITH OR BY THE PUBLIC BODY, REQUIRES OR PERMITS CONSENT FROM THE PUBLIC BODY, OR PROVIDES ANY ENFORCEMENT RIGHT TO THE PUBLIC BODY. THE MUNICIPALITY MAY DELEGATE TO THE AUTHORITY THE RESPONSIBILITY FOR NEGOTIATING THE AGREEMENT DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5) AS LONG AS FINAL APPROVAL OF THE PLAN OR ANY MODIFICATION OF THE PLAN IS MADE BY THE GOVERNING BODY OF THE MUNICIPALITY IN ACCORDANCE WITH SUBSECTION (4) OF THIS SECTION.

(c) IF, AFTER A PERIOD OF ONE HUNDRED TWENTY DAYS FROM THE DATE OF NOTICE OR SUCH LONGER OR SHORTER PERIOD AS THE MUNICIPAL GOVERNING BODY AND ANY PUBLIC BODY MAY AGREE, THERE IS NO AGREEMENT BETWEEN THE MUNICIPAL GOVERNING BODY AND ANY PUBLIC BODY AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5), THE MUNICIPAL GOVERNING BODY AND ANY APPLICABLE PUBLIC BODY ARE SUBJECT TO THE PROVISIONS AND LIMITATIONS OF PARAGRAPH (d) OF THIS SUBSECTION (9.5).

(d) IN AN ABSENCE OF AN AGREEMENT BETWEEN THE MUNICIPALITY AND ANY TAXING ENTITY AS DESCRIBED IN PARAGRAPH (a) OF THIS SUBSECTION (9.5), THE PARTIES MUST SUBMIT TO MEDIATION ON THE ISSUE OF APPROPRIATE ALLOCATION OF URBAN RENEWAL PROJECT COSTS AMONG THE MUNICIPALITY AND ALL OTHER TAXING ENTITIES WHOSE TAXES WILL BE ALLOCATED PURSUANT TO AN URBAN RENEWAL PLAN. IN MAKING A DETERMINATION OF THE APPROPRIATE ALLOCATION, THE MEDIATOR MUST CONSIDER THE NATURE OF THE PROJECT, THE NATURE AND RELATIVE SIZE OF THE REVENUE AND OTHER BENEFITS THAT ARE EXPECTED TO ACCRUE TO THE MUNICIPALITY AND OTHER TAXING ENTITIES AS A RESULT OF THE PROJECT, ANY LEGAL LIMITATIONS ON THE USE OF REVENUES BELONGING TO THE MUNICIPALITY OR ANY TAXING ENTITY, AND ANY CAPITAL OR OPERATING COSTS THAT ARE EXPECTED TO RESULT FROM THE PROJECT. WITHIN NINETY DAYS, THE MEDIATOR MUST ISSUE HIS OR HER FINDINGS OF FACT AS TO THE APPROPRIATE ALLOCATION OF COSTS AND SHALL PROMPTLY TRANSMIT SUCH INFORMATION TO THE PARTIES. THE MUNICIPALITY MAY AGREE TO THE MEDIATOR'S FINDINGS BY INCLUDING IN THE URBAN RENEWAL PLAN PROVISIONS THAT ALLOCATE MUNICIPAL AND INCREMENTAL TAX REVENUES OF TAXING BODIES IN ACCORDANCE WITH THE COST

ALLOCATIONS DETERMINED BY THE MEDIATOR OR BY ENTERING INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE TAXING ENTITY PROVIDING AN ALTERNATIVE COST ALLOCATION METHODOLOGY. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PAYMENTS MAY BE MADE INTO THE SPECIAL FUND OF THE AUTHORITY IN ACCORDANCE WITH SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (9) OF THIS SECTION UNLESS THE MUNICIPALITY OR THE AUTHORITY HAS SATISFIED THE REQUIREMENTS OF THIS SUBSECTION (9.5).

(e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A CITY AND COUNTY IS NOT REQUIRED TO REACH AN AGREEMENT WITH A COUNTY SATISFYING THE REQUIREMENTS OF THIS SUBSECTION (9.5).

SECTION 3. In Colorado Revised Statutes, 31-25-115, **add** (1.5) as follows:

31-25-115. Transfer - abolishment. (1.5) WHEN THE GOVERNING BODY OF A MUNICIPALITY DESIGNATES ITSELF AS THE AUTHORITY OR TRANSFERS AN EXISTING AUTHORITY TO THE GOVERNING BODY PURSUANT TO SUBSECTION (1) OF THIS SECTION, ONE SUCH COMMISSIONER ON THE AUTHORITY MUST BE APPOINTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY IN WHICH THE TERRITORIAL BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA ARE LOCATED, ONE SUCH COMMISSIONER MUST ALSO BE A BOARD MEMBER OF A SPECIAL DISTRICT SELECTED BY AGREEMENT OF THE SPECIAL DISTRICTS LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA, AND ONE COMMISSIONER MUST ALSO BE AN ELECTED MEMBER OF A BOARD OF EDUCATION OF A SCHOOL DISTRICT LEVYING A MILL LEVY WITHIN THE BOUNDARIES OF THE URBAN RENEWAL AUTHORITY AREA. APPOINTMENTS MADE PURSUANT TO THIS SUBSECTION (1.5) MUST BE MADE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 31-25-104 (2).

SECTION 4. Act subject to petition - effective date - applicability. (1) This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be

held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

(2) This act applies to:

(a) Municipalities, urban renewal authorities, and any urban renewal plans created on or after January 1, 2016; or

(b) Urban renewal plan amendments or modifications adopted on or after January 1, 2016, that include any of the following: Any addition of an urban renewal project; an alteration in the boundaries of an urban renewal area; any change in the mill levy or the sales tax component of any such plan, except where such changes or modifications are made in connection with refinancing any outstanding bonded indebtedness; or an extension of an urban renewal plan or the duration of a specific urban

renewal project regardless of whether such extension or related changes in duration of a specific urban renewal project require actual alteration of the terms of the urban renewal plan.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

Agreement for No Name Creek's (Eagle Park) on Pintail Way

Agenda Date: Town Board Meeting - May 26, 2015

Attachments:

- a. Resolution 15-R-31
- b. Agreement to convey ownership of Eagle Park to the Town of Frederick

Finance Review:

Finance Director

Submitted by:



Town Manager

Approved for Presentation:



Town Manager

☐ Quasi-Judicial

☐ Legislative

☒ Administrative

Summary Statement:

The agreement presented will establish the terms by which Eagle Park will be conveyed to the Town of Frederick for ownership and future enjoyment of the community by NoName Creek, LLC.

Detail of Issue/Request:

As you will recall during the April 28th meeting the Board was presented with a counter offer from No Name Creek, LLC for acquisition of the Eagle Park in No Name Creek. The Board during this meeting declined the counter and asked that we go back to the owner and reaffirm our offer. We have done so and to this extent the owner has accepted our initial offer and has signed the agreement for the Town to purchase the property. The terms of the agreement are outlined in the contract presented before you but generally consist of the following:

1. Town will compensate NoName Creek, LLC with \$5,000.
2. Plat and record Blocks 14 and 15 of the subdivision for No Name Creek East

Built on What Matters.

3. The Town will maintain the lot moving forward

Legal/Political Considerations:

The resolution and contractual agreement was drafted by the Town Attorney.

Alternatives/Options:

The Town could choose:

- Not to approve this agreement and ask the Town Manager to go back and renegotiate with No Name Creek LLC.
- The Town could not approve the agreement and direct the Town Manager to have the existing park site and the amenities associated with it donated to NoName Creek, LLC or razed.

Financial Considerations:

Although unbudgeted, completion of this item will come from the park fund. Total costs are expected to be around \$15,000.

Staff Recommendation:

The staff recommends approval of the agreement as presented.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 15-R-33**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH
NO NAME CREEK INVESTORS, LLC**

WHEREAS, pursuant to an informal agreement, the Town mad substantial improvements to a tract of land within the No Name Creek subdivision that is now called Eagle Park; and

WHEREAS, additional work needs to be done to the park and the parties wish for the Town to take ownership of the tract; and

WHEREAS, the parties have entered into an agreement for the Town to purchase the tract of land.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF FREDERICK, COLORADO, AS FOLLOWS:**

Tony Carey, Mayor of the Town of Frederick is hereby authorized to execute the agreement with No Name Creek Investors, LLC.

INTRODUCED, READ, PASSED, AND SIGNED THIS 26TH DAY OF May, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor

AGREEMENT

This Agreement made and entered into this 21st day of May, 2015, by and between the Town of Frederick (Town), a Colorado municipal corporation, and No Name Creek Investors, LLC (Owner), a Colorado limited liability company.

WHEREAS, the Owner is an owner of certain lots in No Name Creek Estates in the Town of Frederick, Colorado; and

WHEREAS, the Owner and the Town entered into an informal agreement for the development of a park on Block 15 owned by the Owner; and

WHEREAS, the parties wish to formalize their arrangement and transfer the park to the Town.

WHEREAS, over the years, the Town has made substantial improvements to the property including, but not limited to, general maintenance, the cost of playground equipment, and concrete flat work, all of which has provided an indirect benefit to the community in this area.

NOW, THEREFORE, the parties agree as follows:

1. The Town agrees to purchase from the Owner, upon subdivision, a portion of Block 15 in the No Name Creek Subdivision currently utilized as a park, more particularly described on Exhibit A.
2. The Owner agrees to transfer the park and any water tap associated with that lot to the Town, upon subdivision of that lot by general warranty deed, free and clear of all liens and encumbrances and agrees that the Town shall exclusive use of and access to the park pending the sale and transfer of title as set forth below.
3. In exchange for the transfer of the park, the Town agrees to the following:
 - a. The Town will survey and prepare a replat of both Blocks 14 and 15 in Filing 1 of the No Name Creek Subdivision.
 - b. The Town will pay to the Owner the sum of \$5,000.00.
 - c. The Town will maintain insurance on the park.
4. Owner shall furnish Town, at Owners's expense, a current commitment for owner's title insurance policy in an amount equal to \$5,000.
5. Closing shall be held at Colorado Escrow and Title Company, Inc. in Longmont Colorado within no more than four years of the execution of this agreement at a time to be determined by the Owner.
6. This agreement shall be binding on all heirs, representatives, successors and assigns of the parties.

TDP

7. This agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. Except as provided herein there shall be no modifications of this Agreement except in writing, executed with the same formalities as this instrument. Subject to the conditions precedent herein this Agreement may be enforced in any court of competent jurisdiction.

8. Owner warrants to the Town that it is the record owner for the property within the Development. The undersigned further warrants to have full power and authority to enter this agreement.

9. This agreement shall be recorded with the Weld County Clerk and Recorder and shall be a covenant running with the land herein described in order to put prospective purchasers or other interested parties on notice as to the terms and provisions hereof.

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first set forth above.

TOWN OF FREDERICK

ATTEST:

Meghan C. Martinez, Town Clerk

By: _____
Tony Carey, Mayor

NO NAME CREEK INVESTORS, LLC

By: _____
J.D. Parker, Manager

JPT



TOWN OF FREDERICK BOARD OF TRUSTEES ACTION MEMORANDUM

Tony Carey, Mayor

Laura Brown, Mayor Pro Tem
Rafer Burnham, Trustee
Fred Skates, Trustee

Amy Schiers, Trustee
Gavin Payne, Trustee
Donna Hudziak, Trustee

To Consider Authorizing a Supplemental Appropriation and Amendment to the 2015 Calendar Year Budget

Agenda Date: May 26, 2015

Attachments: a. Resolution 15R32

Finance Review:

Finance Director

Submitted by:

Jennifer Simmons
Planning Director

Approved for Presentation:



Town Manager

☐ Quasi-Judicial

☒ Legislative

☐ Administrative

Summary Statement:

The Board of Trustees adopts an annual budget that begins in January and can be amended throughout the year as necessary. This is a request to amend the annual budget to include funds for a poured-in-place playground surfacing in the No Name Eagle Park at 5750 Pintail Way.

Detail of Issue/Request:

The 2014 approved budget included funding for two poured-in-place projects. One of the projects was the playground in the No Name Eagle Park, located at 5750 Pintail Way. In the midst of preparing to notify the neighbors of the upcoming project, it was discovered that the park was not owned by the Town. Staff immediately began a conversation with the original developer to find a solution to the ownership problem. The solution has now been determined and the poured-in-place project is ready to re-start should the Trustees approve this budget amendment.

Built on What Matters.

The successful bid on the project was submitted by Tatonka Contractors for the amount of \$48,000. Tatonka Contractors has confirmed that the pricing submitted with the bid remains accurate.

Legal Comments:

This item was reviewed by Town Attorney Samson.

Alternatives/Options:

The Trustees may choose whether or not to approve the requested appropriation.

Financial Considerations:

The 2014 annual budget included appropriations within the Conservation Trust Fund to complete this project. The funds were not used.

Staff Recommendation:

Staff requests the Board of Trustees adopt the attached resolution approving the additional expenditure.

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 15-R-32**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
AUTHORIZING A SUPPLEMENTAL APPROPRIATION AND AMENDING THE
CALENDAR YEAR 2015 BUDGET**

WHEREAS, the Town of Frederick is preparing to enter into a contract for a playground resurfacing project at Eagle Park in NoName Creek; and

WHEREAS, the cost to perform the work is \$48,000.00 but the funds have not been appropriated; and

WHEREAS, the conservation trust fund contains sufficient unappropriated funds to make the payment and the expenditure would be deemed an eligible expenditure.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF FREDERICK, WELD COUNTY, COLORADO THAT;**

Section 1. That the budget for 2015 shall be amended to include an additional appropriation expense in the amount of \$48,000.00 in the conservation trust fund for an eligible expenditure of resurfacing a public playground.

Section 2. **Effective Date.** This resolution shall become effective immediately upon adoption.

Section 3. **Repealer.** All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 4. **Certification.** The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 26TH DAY OF MAY 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor

**TOWN OF FREDERICK, COLORADO
RESOLUTION NO. 15-R-34**

**A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO,
AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL
AGREEMENT WITH
MINERS VILLAGE METROPOLITAN DISTRICT #1**

WHEREAS, Pursuant to Colorado Constitution Article XIV, Section 18(2)(a) and C.R.S. § 29-1-201, *et seq.*, municipalities and quasi-municipalities may cooperate or contract with each other to provide any function, service or facility lawfully authorized to each; and

WHEREAS, Frederick and Miners Village Metropolitan District (MVMD) have to be opportunity to expand certain street improvements to enhance the potential development of an undeveloped are within the Town.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF FREDERICK, COLORADO, AS FOLLOWS:

Tony Carey, Mayor of the Town of Frederick is hereby authorized to execute the Intergovernmental Agreement with Miners Village Metropolitan District.

INTRODUCED, READ, PASSED, AND SIGNED THIS 26TH DAY OF May, 2015.

ATTEST:

TOWN OF FREDERICK

By _____
Meghan C. Martinez, Town Clerk

By _____
Tony Carey, Mayor

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (the “**Agreement**”) is made and entered into this ____ day of May 2015 (the “**Effective Date**”), by and between the Town of Frederick, Colorado (“**Frederick**”), and the Miners Village Metropolitan District #1 (“**MVMD**”), each a municipal or quasi-municipal corporation of the State of Colorado. Frederick and MVMD are collectively the “**Parties**”.

RECITALS

- A. Pursuant to Colorado Constitution Article XIV, Section 18(2)(a) and C.R.S. § 29-1-201, *et seq.*, the Parties may cooperate or contract with each other to provide any function, service or facility lawfully authorized to each; and
- B. Pursuant to C.R.S. § 29-20-101, *et seq.*, the Parties are authorized and encouraged to cooperate or contract with each other for the purposes of planning or regulating the development of land; and
- C. The Parties have the authority to make the promises, enter into the agreements, and perform the functions set forth herein; and
- D. Because of the proximity of the Parties, the nature, type, and intensity of use of the public rights-of-way affected by this Agreement will affect the Parties.
- E. In 2006 the Frederick voters approved a \$6,180,000 bond issue to construct and improve portions of Weld County Road 13 (Colorado Blvd.). \$5,075,000 was spent on those improvements leaving a balance of \$1,105,000 to be spent on additional improvements.
- F. MVMD will contribute funding for improvements to Highway 52 corridor and Flying Circle Blvd./William Bailey intersection in the amount of \$1,000,000.
- G. Frederick and MVMD wish to complete certain additional improvements to Weld County Road 13 and the adjacent quarter section respectively.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Parties agree as follows:

- 1. Incorporation of Recitals. The Recitals set forth above are hereby incorporated into this Agreement.
- 2. Term. This agreement shall be until December 31, 2015.

3. Frederick agrees to construct and pay for the following improvements at a total cost not to exceed \$1,105,000 including construction management fees:

- a. A short extension of Fifth Street across Colorado Boulevard.
- b. A roundabout at the intersection of Colorado Boulevard and Fifth Street.
- c. A roundabout at the intersection of Colorado Boulevard and Thirteenth Street.
- d. As an alternate and if funds permit, the Town will construct additional capacity to accommodate the westbound Highway 52 traffic turning northbound onto Colorado Boulevard.

4. MVMD agrees to construct and pay for the following improvements at a total cost of not to exceed \$1,000,000.00:

- a. Improving intersection of Highway 52 and Flying Cir. Boulevard including installation of a complete (4 direction) traffic signal and the extension of William Bailey Drive north of Highway 52 for approximately 1,000' feet.
- b. Establishing acceleration/deceleration lanes on Highway 52 adjacent to Flying Circle Boulevard.

5. Additional terms:

- a. MVMD shall be the lead agency and shall be responsible for overseeing the construction of the public improvements. Frederick shall pay a construction management fee of 5% of the total cost of the Frederick portion of the project the total cost not to exceed \$1,105,000.
- b. MVMD without invalidating the Contract, may order changes in the Work within the general scope of the Contract consisting of additions, deletions or other revisions, the contract sum and contract time being adjusted accordingly in writing and subject to standard review of construction documents by Frederick.
- c. MVMD shall bid the entire project including the Town's portion; however, the decision to award the bid shall be by mutual agreement and the final contract documents shall be reviewed and approved by the Town.

6. Cooperation. The Parties agree to devote their best efforts, to cooperate as necessary, and to exercise good faith in implementing the provisions of this Agreement.

7. Warranties. In lieu of a letter of credit for 100% of the construction costs, the Town agrees that a performance bond for 100% of the construction costs is acceptable to cove the two year warranty period.

9. Non-Compliance. If either party fails to comply with the provisions of this Agreement, the other party, after providing written notification to the non-complying party and upon the failure of the non-complying party to achieve compliance within forty-five (45) days after said notice, may maintain an action in a court of competent jurisdiction in Weld County for specific performance, injunctive, or other relief. The foregoing shall not preclude the other party from earlier filing claims for immediate

injunctive relief or claims subject to specified filing deadlines (e.g., C.R.C.P. 106(a)(4)) relating to acts or omission of the non-complying party.

10. Colorado Laws. This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

11. Governmental Authority. The Parties shall comply with any and all otherwise applicable and valid state, federal or local laws or regulations in relation to this Agreement.

12. Waiver. A waiver of a breach of any of the provisions of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or another provision of this Agreement.

13. Notices. All notices or other communications hereunder shall be sufficient given and shall be deemed given when personally delivered, or after the lapse of five (5) business days following mailing by certified mail, postage prepaid, addressed as follows:

To Frederick:

Town of Frederick
Attn: Town Manager
P.O. Box 435
401 Locust Street
Frederick, Colorado 80530

To MVMD:

Miners Village Metropolitan District #1
Attn.: Jon Lee

14. Effect of Invalidity. If any provision of this Agreement is finally held invalid or unenforceable by a court of competent jurisdiction as to either party or as to the Parties such invalidity or unenforceability shall not affect the other provisions of this Agreement, except that any similar right or obligation of the other party shall be deemed invalid and unenforceable. Further, with respect to any provision so held or deemed invalid or unenforceable, the Parties agree to take such actions as may be necessary to achieve to the greatest degree possible the intent of the affected provision.

15. Amendments. This Agreement may be amended in writing only by mutual agreement of the governing bodies of the Parties.

16. Reliance by the Parties. The Parties understand that each is relying upon all of the promises made by the other in this Agreement, and each agrees (i) not to assert to any court or other body the invalidity or unenforceability of any portion of this Agreement unless such challenge is based upon a change in the law occurring after the effective date of this Agreement; (ii) to promptly notify the other party of any legal action which might affect this Agreement; (iii) to allow the other party to participate in such legal action as the other party deems appropriate, consistent with court rules; and (iv) to defend the Agreement in such legal action to the maximum extent consistent with law and court rules.

17. Recording and Availability Agreement. After mutual execution of this Agreement, Frederick shall record a certified copy of this Agreement with the Weld County Clerk & Recorder's Office. Each party shall make available for public inspection, copies of this Agreement in their respective offices as provided by statute.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed.

TOWN OF FREDERICK, COLORADO

MINERS VILLAGE METROPOLITAN
DISTRICT #1

By _____
Tony Carey, Mayor

By _____
_____ its _____

ATTEST

Meghan C. Martinez, Town Clerk